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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 07-0337 EMC
	)	
Plaintiff,	)	
	)	
v.	)	PARTIES' JOINT REQUEST TO CONTINUE
	)	SENTENCING HEARING AND <del>[PROPOSED]</del>
	)	ORDER
JACQUELINE FROEHLICH-	)	
L'HEUREAUX,	)	
	)	
Defendant.	)	

It is hereby stipulated by and between counsel for the United States, Assistant U.S. Attorney Kyle F. Waldinger, and counsel for defendant Jacqueline Froehlich-L'Heureaux, Leland B. Altschuler, that, subject to the Court's approval, the status hearing presently set for January 18, 2012, be continued and set for a status hearing on April 25, 2012, at 2:30 p.m. The United States has learned from the Court's publicly posted availability information that the Court is available on that date.

The defendant Jacqueline Froehlich-L'Heureaux pled guilty pursuant to a plea agreement on June 4, 2007, to one count of conspiracy to gain unauthorized access to a protected computer, exceed authorized access to a protected computer, and traffic in a password allowing unauthorized access to a protected computer, in violation of 18 U.S.C. § 371. The case was referred to the Probation Office for a presentence report. The plea agreement also includes

JOINT REQ. & [PROPOSED] ORDER  
CR 07-0337 EMC

1 standard terms of cooperation.

2 In light of continuing cooperation under the terms of the plea agreement, the parties  
3 jointly request that the status hearing on January 18, 2012, be continued for a status hearing on  
4 April 25, 2012, at 2:30 p.m. Additional time is needed for the defendant to complete her  
5 cooperation with the government, and, accordingly, this matter is not yet ready to proceed to  
6 sentencing. Specifically, charges have been filed against an alleged co-conspirator of the  
7 defendant, David Nosal. The Nosal case is numbered CR 08-0237 EMC. The United States has  
8 filed a notice of appeal in the Nosal case, and an en banc oral argument was held on December  
9 15, 2011. The Nosal case will not proceed to trial until the appeal is resolved. The defendant  
10 Froehlich-L'Heureaux is expected to testify in that trial. Because Ms. Froehlich-L'Heureaux will  
11 be required to testify at trial, her cooperation with the government's investigation is not yet  
12 complete.

13 For all of these reasons, the parties jointly request that this Court vacate the status hearing  
14 presently set for January 18, 2012, and set a status hearing for April 25, 2012, at 2:30 p.m.

15 SO STIPULATED.

16 Dated: January 9, 2012

MELINDA HAAG  
United States Attorney

17  
18  
19 /s/  
KYLE F. WALDINGER  
Assistant United States Attorney

20  
21 SO STIPULATED.

22 Dated: January 9, 2012

23 /s/  
LELAND B. ALTSCHULER  
Attorney for defendant Froehlich-L'Heureaux

**[PROPOSED] O R D E R**

GOOD CAUSE APPEARING.

Status re

IT IS ORDERED that the sentencing hearing presently set for January 18, 2012, be continued to April 25, 2012, at 2:30 p.m.

Dated this 11<sup>th</sup> day of January, 2012

